

RESOLUTION

WHEREAS, on February 9, 2021, the Township Council for the Township of West Orange (the “Township”) adopted Resolution 33-21 authorizing the execution of an Agreement of Sale for the property identified as Block 6, Lot 36.01 on the Township’s Tax Map (the “Tompkins Street Property”) whereby the Township agreed to sell the Tompkins Street Property to Tompkins Street Apartments, LLC for the development of a seventeen (17) unit low and moderate income housing development pursuant to N.J.S.A. 40A:12-21(l) of the Local Lands and Buildings Law; and

WHEREAS, on March 23, 2021, the Township Council adopted Resolution 51-21 authorizing the execution of a Redevelopment Agreement with the Alpert Group, LLC and Tompkins Street Apartments, LLC, an affiliate of the Alpert Group (the “Redevelopment Agreement”) which governed the redevelopment of certain properties on Central Avenue (the “Central Valley Redevelopment Area”); and

WHEREAS, the Redevelopment Agreement contained terms which required the Alpert Group through the Entity to construct a seventeen (17) unit low and moderate income housing development on the Tompkins Street Property as part of the redevelopment of the Central Valley Redevelopment Area; and

WHEREAS, Section 4.07(a) of the Redevelopment Agreement set forth the description of the required seventeen (17) unit low and moderate income housing development including: (i) three (3) one-bedroom units; (ii) ten (10) two-bedroom units; and (iii) four (4) three-bedroom units (the “Affordable Housing Component”); and

WHEREAS, the Township has included the Affordable Housing Component in its Housing Element and Fair Share Housing Plan approved by the Superior Court of New Jersey by entry of an Order of Judgment of Compliance and Repose dated March 17, 2021 entered in the Township’s declaratory judgment action captioned In the Matter of the Application of the Township of West Orange, Docket Number ESX-L-4697-15; and

WHEREAS, Tompkins Street Apartments, LLC has been approved by the State of New Jersey to operate as an urban renewal entity now called Tompkins Street Apartments Urban Renewal, LLC (“Tompkins Urban Renewal”); and

WHEREAS, the Township seeks to enter into an Affordable Housing Agreement, annexed hereto as Exhibit “A” (the “Agreement”), to set forth the requirements of the Affordable Housing Component, including the preparation and recording of a Deed Restriction annexed to the Agreement consistent with the Redevelopment Agreement and the Township’s Housing Element and Fair Share Housing Plan.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Mayor be and is hereby authorized to execute the Agreement, in the form annexed hereto as Exhibit “A;” and it is further

RESOLVED, that the Township Clerk be and is hereby authorized to attest to the Mayor’s signature on the Agreement; and it is further

RESOLVED that pursuant to the terms of the Agreement, a deed restriction shall be placed on the Property limiting the ability to rent or the use the Property solely as low and moderate housing for a period of at least thirty (30) years; and it is further

RESOLVED that a copy of this resolution shall be available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, RMC
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: August 17, 2021